

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/030,769	CHEAH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Huyen X Vo	2655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/4/2005.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 10/22/2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                     | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, drawn to a portable audio data processing apparatus comprising a micro-controller coupled to a digital signal processor, the apparatus having a key file and a decryption program stored therein, the apparatus adapted to be removably coupled to a data storage device having a unique identifier, an audio data file and a decoder file stored therein, classified in class 380, subclass 240.
- II. Claim 11, drawn to a compact memory device for storing digital data, the memory device adapted to be coupled to a handheld audio playback device, classified in class 380, subclass 230.

2. Inventions of group I and II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention of group I relates to a process of decrypting audio data, while the subcombination has separate utility such as encrypting audio data to prevent unauthorized access to the audio data.

During a telephone conversation with Mr. Paul P. Kiel on 6/24/2005 a provisional election was made without traverse to prosecute the invention of group I, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office action. Claim 11 has been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Paul P. Kiel on 6/24/2005. The application has been amended as follows:

**Claim 11 has been cancelled.**

**Claims 1 and 6 have been amended as follow:**

1. In a portable audio data processing apparatus comprising a micro-controller coupled to a digital signal processor, the apparatus having a key file and a decryption program stored therein, the apparatus adapted to be removably coupled to a data storage device having a unique identifier, an audio data file and a decoder file stored therein, a method for processing the audio data file, the method comprising the steps of:

identifying first and second keys stored in a memory of the micro-controller in response to the decryption program;

retrieving the audio data file and the decoder file from the data storage device in response to a user selection of the audio data file;

decrypting the decoder file using the first key and the decryption program;

generating a third key using the second key and the unique identifier;

decrypting the audio data file using the third key and the decryption program;

decoding the decrypted audio data file using the decrypted decoder file; and

providing the decrypted, decoded audio data file to an output device.

6. A portable audio data processing apparatus, comprising:

user input means for receiving user inputs;

data input means for receiving digital data;

a data storage device having an audio data file, a decoder file and a unique identifier stored therein, the data storage device adapted to be removably coupled to the data input means;

a digital signal processor; and

a micro-controller coupled to the user input means, data input means, and digital signal processor, the micro-controller transferring a decryption program and a key file to the digital signal processor in response to the data storage device being coupled to the data input means, the digital signal processor identifying first and second keys stored in a memory of the micro-controller in response to the decryption program, the micro-

controller transferring the audio data file, the decoder file and the unique identifier from the data storage device to the digital signal processor in response to user selection of the audio data file, the digital signal processor decrypting the decoder file using the first key and the decryption program, the digital signal processor decrypting the audio data file using the second key, the unique identifier and the decryption program, the digital signal processor decoding the decrypted audio data file using the decoder file.

***Allowable Subject Matter***

4. The following is an examiner's statement of reasons for allowance: Boyle et al. (US 6118870) disclose a playback system in that encrypted of compressed audio data along with decompression file and encrypted key are sent to a playback device for decrypting and decompressing the audio data for playback. At the playback device, encrypted key is decrypted using private key of the playback device. Said decrypted key is then used to decrypt the decompression file and audio data. Then the decrypted decompression file operates on the decrypted audio data to decompress the audio data for playback (*referring to Boyle et al. reference*). Kato et al. (US 6301663) teach a method to protect unauthorized copy of multimedia data, recorded on an information-recording medium, by using electronic watermark information and key information. The electronic watermark information embedded in the multimedia data is extracted by an electronic watermark extraction unit on the decryption system side. A disk key is obtained using the electronic watermark information and a part master key. The multimedia data is decrypted using the resultant disk key (*referring to Kato et al.*

*reference*). Both Boyle et al. and Kato et al. fail to specifically disclose the step of decrypting audio data and decoder file using two separate decryption keys stored in the microcontroller of the playback device. Furthermore, it would have not been obvious to one of ordinary skill in the art at the time of invention to modify Boyle et al. and/or Kato et al. in order to obtain the claim invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HXV

6/24/2005

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SUSAN MCFADDEN  
PRIMARY EXAMINER